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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,548	01/08/2007	Ian Alexander Webb	53084-7003	3758
66228 7590 08/18/2009 UNGARETTI & HARRIS LLP INTELLECTUAL PROPERTY GROUP - PATENTS 70 WEST MADISON STREET SUITE 3500 CHICAGO, IL 60602-4224				
			EXAMINER	
			DESAI, HEMANT	
			ART UNIT	PAPER NUMBER
			3721	
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			08/18/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,548

Applicant(s)

WEBB ET AL.

Examiner

Hemant M. Desai

Art Unit

3721

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 18-37 is/are pending in the application.
- 4a) Of the above claim(s) 19-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 18 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 7/11/2007
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 35 and 36 (last two claims) has been renumbered 36 and 37 respectively. Claim 35 (now claim 36) is depending on itself. For examination purpose, Examiner assumed that claim 35 (now claim 36) depends upon claim 35.

Election/Restrictions

2. Newly submitted claims 19-36 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims, 19-22, drawn to a waste storage cassette.

Group II, claims 23-26, drawn to a waste storage device comprising a throat with enveloped waste gripper.

Group III, claims 27-29 and 30-32, drawn to a waste storage device comprising a throat with an enveloped waste guide.

Group IV, claims 33-36, drawn to a waste storage device comprising a waste cassette chamber lid with a rotatable tubing cutter.

3. The inventions listed as Groups I, II, III and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I has special technical feature of a cassette mount projecting from the outer wall to allow rotation of the cassette when mounted.

Group II has special technical feature of a throat for passage of enveloped waste, in which an enveloped waste gripper is provided in the throat, the enveloped waste gripper comprising a flexible grip region around an enveloped waste aperture.

Group III has special technical feature of a throat for passage of enveloped waste, in which an enveloped waste guide is provided in the throat to guide enveloped waste towards a waste storage chamber wall.

Group IV has special technical feature of a waste cassette chamber lid including a rotatable tubing cutter and a releasable self-locking detent releasable to allow one uninterrupted full rotation of the cutter.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-36 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

4. Applicant's election of Group I, claims 1-2, 18 and 37, in the reply filed on 5/5/2009 is acknowledged. Because applicant did not distinctly and specifically point

out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 19-36 has been with drawn.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2, 18 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There are several matters, which were, not described in the originally filed specification for example: "a waste storage cassette receiving chamber" (claims 1 and 37, line 2), "a waste storage cassette rotator." (claims 1 and 37, line 3), "a formation for supporting a waste storage cassette", (claims 1 and 37, line 5).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-2, 18 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The several phrases, for example: "a waste storage cassette receiving chamber" (claims 1 and 37, line 2), "a waste storage cassette rotator." (claims 1 and 37, line 3), "a

formation for supporting a waste storage cassette", (claims 1 and 37, line 5) are vague, confusing and indefinite because it is not understood which chamber, rotator and a formation for supporting a waste storage cassette applicant is referring to.

Claim 1 recites the limitation "a waste storage cassette" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "a waste storage cassette" in line 5 and line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 18 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Stravitz (6612099).

Stravitz discloses a waste storage device comprising a waste storage cassette receiving chamber (12, fig. 1), and a waste storage cassette rotator (212, fig. 26) rotatably mounted in the chamber and configured to engage a waste storage cassette (244) for rotation thereof relative to the chamber wherein the waste storage cassette rotator (212) further includes a formation (220) for supporting the waste storage cassette for rotation thereof, which meets all the claimed limitations.

Regarding claim 2, Stravitz discloses that the waste storage cassette rotator includes a formation arranged to engage, in use a co-operating formation on a waste storage cassette for rotatable engagement (see fig. 26).

Regarding claim 18, Stravitz discloses that the waste storage cassette receiving chamber includes a formation for supporting a waste storage cassette for rotation thereof.

Regarding claim 37, Stravitz, as explained above, discloses all the claimed limitations.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hemant M Desai/
Primary Examiner, Art Unit 3721